

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 6, 2006**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 6, 2006, at the James W. Warren Citizens Center Auditorium, 115 West Main Street, Lincolnton, North Carolina, at 6:30 p.m..

Commissioners Present:

Thomas R. Anderson, PE, Chairman
James Buddy Funderburk, Vice Chairman
Carrol Mitchem
Marie Moore
Alex E. Patton

Planning Board Members Present:

Jerry Geymont
John Pagel
Terry Whitener
George Arena
Clyde Brown
Darrell Harkey
Harold Howard Jr.
Louis McConnell

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Delores Alfaro, Assistant Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Brad Dyer, Associate Planner

Call to Order: *Chairman Anderson* called the March 6, 2006, meeting of the Lincoln County Board of Commissioners to order.

Invocation: *Commissioner Patton* gave the invocation.

Pledge of Allegiance: *Chairman Anderson* led in the Pledge of Allegiance.

Adoption of Agenda: *Chairman Anderson* presented the agenda for the Board's approval.

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to adopt the agenda as presented.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
MARCH 6, 2006

- 6:30 PM Call to Order
1. 6:31 PM Invocation – Commissioner Patton
2. 6:33 PM Pledge of Allegiance
3. 6:35 PM Adoption of Agenda
4. 6:37 PM Consent Agenda
- Approval of Minutes
 - February 20, 2006
 - Budget Adjustment No. 59
 - Budget Adjustment No. 60
 - Letter of Credit #46
 - Tax Requests for Refunds – More than \$100
 - January 16 – February 15, 2006
 - Tax Requests for Releases – More than \$100
 - January 16 – February 15, 2006
 - Waived Fees
 - Rotary Clubs of Lincolnton, Denver/Lake Norman and
 Lincolnton Sunrise
 - Lincoln County Transportation Fitness for Duty Policy:
 Drug & Alcohol Testing Program
5. 6:45 PM Zoning Public Hearings – Randy Hawkins

ZTA #523 Lincoln County, applicant. A proposal to amend Sections 10.1.3, 10.2.3, 10.3.3, 10.4.3, 10.5.3, 10.6.1 and 10.7.1 of the Lincoln County Zoning Ordinance to require a minimum lot size of two (2) acres in the R-R, R-T, R-S, R-SF, R-CR, RL-14 and RL-20 districts.

ZTA #520 Lincoln County, applicant. A proposal to amend Sections 13.8, 13.13.3, 7.8 and 2.4 of the Lincoln County Zoning Ordinance to require a permit for advertising (off-premise) signs which do not exceed 32 square feet in area and allow them only in business and industrial districts and only if they are spaced at least 1,000 square feet apart from any other advertising sign; to require that nonconforming signs (excluding off-premise advertising signs) be altered to comply with the ordinance or be removed within one year of a notice of nonconformity; and to define “portable sign” as “any sign designed or intended to be readily relocated

whether or not it is permanently attached to a building, structure or on the ground.”

ZMA #521 Joy Riddle, applicant (Parcel ID# 75081) A request to rezone a 0.7-parcel from R-T (Transitional Residential) to R-CR (Residential and Commercial Recreational). The property is located at the end of Water Oaks Drive on the south side of the road in Catawba Springs Township.

ZMA #522, P.J. Jones, applicant (Parcel ID# 33813) A request to rezone a 11.5-acre parcel from I-L (Light Industrial) to B-G (General Business). The property is located on the west side of Hwy. 16 at Grassy Creek Road in Catawba Springs Township.

PCUR #130 Donna Harris, applicant (Parcel ID# 54342) A request to rezone 1.0 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit a hair and tanning salon. The property is located on the east side of Rock Dam Road about 900 feet north of Hwy. 27 in Howards Creek Township.

CUP #270 Steve Ramsey, applicant (Parcel ID# 15273) A request for a conditional use permit to place a Class B (doublewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.75-acre site is located on the west side of Old Lincolnton-Crouse Road about 900 feet north of Hwy. 150 in Howards Creek Township.

CUP #271 Cherry Enterprises Inc., applicant (Parcel ID# 02431 and 02433) A request for a conditional use permit for a proposed 314-unit housing development with 272 townhouses and 42 duplex units (including 32 existing duplex units) in the R-S (Residential Suburban) district. The 42.2-acre tract is located on the south side of Unity Church Road near Cherry Lane and Normandy Road in Catawba Springs Township.

6. 8:15 PM Other Business

Adjourn

Consent Agenda: *Chairman Anderson* pointed out that there were 3 pages (Pgs. 10, 14, and 18) from the February 20th Minutes which contained some corrections, and that Item 6 on the Agenda was moved to the Consent Agenda.

UPON MOTION by *Commissioner Moore* that the February 20, 2006, Minutes be removed and deferred, subject to review by counsel, the Board voted 4-1 against.

AYES: Moore

NOES: Anderson – Funderburk – Mitchem – Patton

UPON MOTION by *Commissioner Mitchem*, the Board voted 4-1 to approve the Consent Agenda as presented.

AYES: Anderson – Funderburk – Mitchem – Patton

NOES: Moore

- Approval of Minutes

- February 20, 2006
 - Budget Adjustment No. 59
Re: Re-allocate funds
 - Budget Adjustment No. 60
Re: To upgrade in-car system to digital format with grant money from Gov. Hwy. Safety Equip. Project Grant
 - Letter of Credit #46
 - Tax Requests for Refunds – More than \$100
- PERIOD COVERED (January 9, 2006-January 29, 2006)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
USB Leasing, LT	2005	ELFD/ELSD	0162709	182.04
TOTAL				\$182.04

PERIOD COVERED (January 30, 2006-February 12, 2006)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Turbyfill, Joe Lee	2004-05	ELFD	21600	276.00
Turbyfill True Value	2004-05	ELFD/ELSD	26186	138.00
TOTAL				\$ 414.00

- Tax Requests for Releases – More than \$100
- January 16 – February 15, 2006

NAME	YEAR	A/C NO	AMOUNT
Alexander, Gary Joseph	2005	0190437	\$ 110.39
Burris, Larry J.	2005	0161348	\$ 213.68
Harris, Elliott Randall	2005	0139096	\$ 279.86
Rodriguez, Ma Elena V.	2005	0121398	\$ 116.91
Sain, Faye Reinhardt	2005	0190406	\$ 236.80
Savarese, Jessica Ann	2005	0175524	\$ 104.54
Starnes, Kenneth Wayne	2005	0190302	\$ 180.53
TOTAL			\$ 1,242.71

Booth, Terry	1995-05	0091953	\$ 538.83
Capazzoli, Anthony N.	2005	0188291	\$ 344.06
Carr, Lawrence	2001-05	0115855	\$ 788.67
Cinco Investors	2005	0110367	\$ 138.00
Crossroads Bar & Grill	2005	0164328	\$ 304.67
Faires, Leonora Ferguson	1999-05	11761	\$ 127.73

Heafner, Betty Shuford	2005	0117186	\$ 138.46
Houser, Sidney L.	2005	02737	\$ 1,454.71
Jones, Herschel H.	2005	18850	\$ 147.40
Jones, James Paul	2005	0077950	\$ 161.27
Mertens, Doreen	1995-97	45924	\$ 270.99
Murdico, James Joseph	2005	0089936	\$ 113.03
Putnam, Dennis	1998-00	0111008	\$ 141.62
Rhodes, J. T.	2005	0113044	\$ 7,782.68
Smith, Suzette	1995-05	0107189	\$ 900.22
Thompson, Steven			
Timothy	2002-05	0138185	\$ 118.08
Walker, Craig W.	2005	0156024	\$ 345.68
Wilson, Everette	2002-05	15422	\$ 587.40
TOTAL			\$ 14,403.50

Zoning Cases – Randy Hawkins:

Chairman Anderson asked the Board of Commissioners and the Planning Board whether or not any of them had any ex parte discussions with regard to any of the conditional use rezonings or conditional use permits, and if so, this would be the appropriate time to acknowledge those ex parte discussions and to advise as to which of those issues the discussions took place. Chairman Anderson stated that, hearing and seeing none, the record would reflect that there have been no ex parte discussions in connection with any of these matters.

Zoning Text Amendment #523 - Lincoln County, applicant: A proposal to amend Sections 10.1.3, 10.2.3, 10.3.3, 10.4.3, 10.5.3, 10.6.1 and 10.7.1 of the Lincoln County Zoning Ordinance to require a minimum lot size of two (2) acres in the R-R, R-T, R-S, R-SF, R-CR, RL-14 and RL-20 districts.

Commissioner Mitchem asked what additional lot sizes in Lincoln County are watershed influenced. Randy Hawkins stated that, in the Indian Creek watershed, which is roughly the area between 1002 Cat Square Road and Shoal Road, and 274 and North Brook III School Road, the watershed regulations require one-acre minimum lot size. Commissioner Mitchem asked if that was on all lot sizes. Mr. Hawkins stated that was on all lot sizes and all zoning districts in that area, and that, in all the other watersheds, the zoning regulations are more stringent than the watershed regulations. Commissioner Mitchem asked about the Buffalo watershed. Mr. Hawkins stated that the watershed regulation would allow half-acre lots in that area, but the zoning regulations require either three quarters of an acre or one acre.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment #523.

Rayford Willis stated that he was speaking not only for himself, but for the rest of the poor people, and that there were people out there he wondered whether or not had been

taken into consideration that they were even alive. Mr. Willis stated that there were a lot of people who could afford the two-acre minimum, but there were also a lot of young people who could not, now or in the future, who would be forced to rent.

Martin Oakes stated that he was speaking in favor of this. Mr. Oakes stated that he believed we needed it to reduce the growth rate in East Lincoln, but that it would be sufficient to apply it to Ironton and Catawba Springs rather than the entire county. He stated that the county engineer informed him of the following: 1200 new homes can be connected to the sewer district between now and 2009, current rates indicate that will be consumed by the end of next year, 2008 will get no sewer hook-ups at all. Mr. Oakes stressed that something must be done now.

Cheryl Burgess presented a handout to the Board. Ms. Burgess stated that, as President of the Lincoln County Home Builders Association, she was here to represent them, in addition to the Lincoln County Board of Realtors. She stated that, like the previous APFO proposed at the last meeting, this also would not work, nor was it fair. Ms. Burgess stated that mandated low density development would create adverse economic and environmental consequences, and presented the following reasons: 1) accelerated urban sprawl; 2) higher infrastructure costs; 3) lower tax revenues per unit of land; 4) exclusion of low and middle income families; 5) greater commuting distances; 6) more air pollution; 7) less open space and wildlife habitat. Ms. Burgess concluded by stating that their offer of LCHBA and LABR members' time and knowledge still stood, and asked that they be allowed to serve on a committee to find the right solutions that were fair to the entire county.

Sheila Rudisill stated that she was speaking on behalf of the coalition of realtors, builders and concerned citizens of Lincoln County. Ms. Rudisill referred to development as inevitable and beneficial, and growth as a vital part of a healthy economy. She stated that the goal of growth in our county to accommodate it, while enhancing the economy, protecting the environment, and preserving and improving the quality of life for the citizens. Ms. Rudisill stated that large lot sizes and required open spaces created more sprawl. She stated that the rapid population growth in East Lincoln is creating "crossroad communities, which have the following characteristics: 1) often unincorporated; 2) having an identity; 3) experiencing growth as a result of isolated community expansion. Ms. Rudisill stated that it affects long-time residents and industries with pressure for higher taxes, adverse environmental impacts, decline of traditional economies and some cultural conflicts between newcomers and locals. She stated that rural sprawl could be avoided by community residents collaborating. Ms. Rudisill stated that the less affluent would be left without means to obtain affordable housing, and a quality of life that all residents should enjoy. Ms. Rudisill concluded by stating that smart growth strategy should include affordable living for all citizens, and that it should involve the consideration of equitable distribution of resources across the county, focusing on long-term partnerships.

Floyd Dean stated that he represents Dean's Appraisal and Real Estate Service and the realtors of Lincoln County. Mr. Dean agreed with Mr. Willis' comments, and stated that

they came from the heart. He stated that he had no problem with people having 2-acre tracts of land, noting that he lived on 12-acres himself. Mr. Dean wondered how many people on the Planning Board lived on 2-acres or more, and that he thought he did enough research to find out that there weren't many. He stated that it creates a heavy burden on first time homebuyers. Mr. Dean stated that he understood that the county had to curb growth in some areas of East Lincoln, but questioned why the entire county had to suffer on each idea they brought up, referring to the APFO as well as this amendment. Mr. Dean told them to raise his taxes if they had to, but to raise everybody's taxes and let everybody carry the burden. He asked them not to let the homebuilders and builders of this community carry the burden, and to make sure that those moving in from out of town and creating all the large projects, pay their share also.

Gary Faulkenbury asked who this would benefit, and that it certainly wasn't Lincoln County or the building industry. Mr. Faulkenbury stated that we do need a plan, and that they were willing to help. He gave some numbers from a multiple listing study, noting that 2,464 homes, under 2-acres, had been built since 2000, steadily increasing every year, with a total sales revenue of \$258,913,737, in which your income comes from. He stated that if we went to 2-acres, it would be a fair assumption to say they would lose a third of those homes built in that decade, and that was a conservative figure. Mr. Faulkenbury stated that the Board was considering losing a tremendous amount of revenue.

Jerry Lackey distributed a handout to the Board. Mr. Lackey stated that the handout was a quick study on lots sold last year in Lincoln County that went through MLS. He stated that he was selected to serve on a committee that has been formed, and asked the Board to delay their decision on the 2-acre minimum to give them time to present a viable solution that won't decrease property values.

George E. Sain II stated that he was in the rental business, and that he had a cattle farm in Vale. Mr. Sain stated that the Board had already turned down the impact fee, now they were going to turn down the 2-acre minimum lot size, and the next thing would be property tax. He stated that he didn't have a thing against development, but let the developer pay for it.

Jim Klein stated that we spoke about many of the growth issues a couple of weeks ago, and that this particular proposal may well be an effort to try to keep the issue of residential growth at the pace we can't afford on the table. Mr. Klein stated that, if that was the case, he commended them for it. He stated that this approach is not going to deal with the obvious issues that we have, and asked that they rekindle the APFO discussion, get a group of people together, hash out the differences and come to some accommodation for the best interest of the community.

Peter Browne stated that he didn't know if the 2-acre idea was a good one, adding that we'd heard very powerful arguments that it is not. Mr. Browne asked that they not close it down, open the discussion that Ms. Burgess and others have offered to do, and he will offer the resources of ELBA to join in that discussion to find out the solution to the

problems of the county's services not being able to keep up with the growth. He stated that it's their property taxes that otherwise suffer greatly. Mr. Browne asked that the Board either rekindle the APFO or let them work with the Board of Realtors, the Home Builders Association and county staff, and come up with the facts, put them on the table and look at what the impact is to everyone.

Being no additional speakers, *Chairman Anderson* declared the public hearing closed.

Commissioner Funderburk presented a list of a proposed committee of various members of the community that included County employees, home builders, realtors, bankers, Commissioners, members of the Planning Board, citizens, a member of ELBA and a School Board member. Commissioner Funderburk proposed to make a motion to have this committee study the growth issue, along with the county's debt, and return at a later date with a reasonable proposal.

Commissioner Patton stated that he wanted to amend Commissioner Funderburk's motion to state that we give this committee no longer than 90 days to reappear before the Board with an equitable solution, and that 2-acres and larger lot sizes not be a part of the solution.

Chairman Anderson asked if everyone would be willing to serve. Commissioner Funderburk stated that not all of them had been contacted, but that he could come up with alternates if the proposed members could not serve.

Chairman Anderson stated that a motion had been made that we suspend any consideration of ZTA #523, pending a recommendation from the proposed committee as to how to deal with the matter of growth, and particularly the cost to the county. Chairman Anderson stated that there had also been a request to amend the motion that this committee, once formed, report back to the Board within a 90-day period of time. Chairman Anderson asked that, if this motion passed, it not fetter the committee with any restrictions, to allow them to come back with any recommendation, or combination of recommendations that they ultimately deemed appropriate.

A motion was made by *Commissioner Funderburk* to suspend Zoning Text Amendment #523, pending a recommendation from the committee formed as to how we can deal with growth and the cost to review it.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to amend Commissioner Funderburk's motion so that, once formed, the committee would present an equitable solution, that the 2-acre minimum not be included, and that the committee report back to the Board within 90 days.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to dispense Zoning Text Amendment #523, and not allow it to be sent to the Planning Board for further consideration or returned to this Board, subsequent to any recommendation that the Planning Board might make.

Zoning Text Amendment #520 - Lincoln County, applicant: A proposal to amend Sections 13.8, 13.13.3, 7.8 and 2.4 of the Lincoln County Zoning Ordinance to require a permit for advertising (off-premise) signs which do not exceed 32 square feet in area and allow them only in business and industrial districts and only if they are spaced at least 1,000 square feet apart from any other advertising sign; to require that nonconforming signs (excluding off-premise advertising signs) be altered to comply with the ordinance or be removed within one year of a notice of nonconformity; and to define “portable sign” as “any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground.”

Commissioner Patton asked what the State’s regulations were on signs and right-of-ways. *Randy Hawkins* stated that signs and right-of-ways are prohibited under the Zoning Ordinance and under DOT regulations.

Randy Hawkins distributed photos of various 4-legged signs that had been made into permanent signs for the Board to review.

Commissioner Patton asked, in a given year, how many times it had been an issue where someone wanted to put up a portable sign, and not being able to, or putting it up because somebody else is grandfathered in. *Mr. Hawkins* replied that it was numerous times, and that they had backed off from enforcement of this until they could get it changed. When *Commissioner Patton* asked how many times a year this occurred, *Mr. Hawkins* stated that it was a dozen times a year.

Commissioner Mitchem asked how many grandfathered signs there might be. *Mr. Hawkins* stated that it was about two dozen, explaining that, since the ordinance had been in effect 13-14 years, he felt an amortization period wasn’t necessary, since the owners of the grandfathered signs had all that time to get their use out of those signs. He stated that they also had the option of keeping those signs by making them portable. *Commissioner Mitchem* asked if he recalled doing anything to dispense with grandfathering. *Mr. Hawkins* stated that he did not.

Commissioner Funderburk asked if the complaints were isolated to one area or if they were scattered across the county. *Mr. Hawkins* stated that most of the complaints generated from the Hwy. 16 area since that’s where the majority of our businesses are, it’s the biggest population center and the most urban area.

Commissioner Mitchem asked if the grandfathered signs were countywide. *Mr. Hawkins* stated that they were.

Commissioner Patton asked if a sign remained grandfathered if ownership changed. *Mr. Hawkins* stated that it did.

Chairman Anderson stated that he received a letter from the Chamber of Commerce in favor of the ordinance.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment #520.

Todd Wulforth stated that he was Chairman of the East Lincoln Council of the Chamber of Commerce. Mr. Wulforth stated that one of the biggest problems that they were trying to address was to help county staff regarding enforcement of the grandfather clause, because it is very difficult for staff to research and determine the length of time a sign has been there, nor do they have the staff to do that. Mr. Wulforth stated that the Council has recommended, and the Chamber has endorsed that these changes be made.

Andrew Johnson stated that he was past President of the Denver Area Business Association. Speaking in their behalf, Mr. Johnson stated that they voted to work with the East Lincoln Area of Council on tackling the issues of signs along the Hwy. 16 corridor. He stated that they've encouraged their members to self-regulate themselves and comply with the existing rules regarding signage. Mr. Johnson stated that the only way to combat this issue was to give the Zoning administration the tools needed to help them in this effort. He stated that the changes streamline and clarify the existing ordinance, and that the committee worked jointly with Mr. Hawkins to make sure they were fair and enforceable. Mr. Johnson asked that the Board voted in favor of these changes.

Connie Zmijewski stated that this is a big issue for the entire county, but that she could only speak from the area of Hwy. 16. Ms. Zmijewski stated that it is starting to look like a carnival, and that is not what they want. She stated that the area has become infested with all kinds of signs. Ms. Zmijewski asked that the Board of Commissioners and the Planning Board start addressing this, not later, but now.

Peter Browne stated that he supports the ordinance as proposed, and that the Chamber, DABA and county staff have done an excellent job of trying to strike the balance between enforceable, feasible, practical and right. Mr. Browne stated that he thought off-premise advertising signs should be regulated just like the bigger ones, that the ordinance for non-conforming, grandfathered signs should go away, and that the four-legged signs are a loophole that had been discussed, and that the changes regarding all of these were reasonable. Referring to the floppy signs currently not permitted, which the county has the authority to remove from right-of-ways, Mr. Browne asked why an ordinary citizen such as himself could not remove them and notify county staff.

Mark Cotter presented a petition of 135 signatures asking that the sign ordinance allow Denver businesses to advertise with temporary signs on their own property. Mr. Cotter presented four reasons why the ordinance is so important: 1) Lincoln County has a debt of \$135 million; 2) small business in Denver is in a very unstable condition; 3) the current sign ordinance is inconsistent; 4) the people of Denver are tired of the sign clutter. He stated that small businesses contribute sales tax revenue, and that in touring Hwy. 16, he counted over 40 businesses empty, estimating a loss of over \$500,000 in revenue. Mr. Cotter stated that, with the incoming big box stores, the ability to advertise was very important to small business. Mr. Cotter stated that many special groups were allowed to

use signs, but the tax paying commercial business, which generates revenue, was not. He presented an explanation of the pictures he presented to the Board. Mr. Cotter presented photos of various signs and an empty strip center. He stated that, if the Board approved this ordinance, they would be ignoring the petition of 135 members who live and work on Hwy. 16, allowing for continued discrimination against small business, continuing to hurt small business financially and resulting in less revenue, and doing nothing about the existing sign clutter. Mr. Cotter urged the Board to postpone making a decision, and presented a proposal that consisted of the following: 1) make it illegal for anyone (individual or otherwise) to advertise on any property other than their own; 2) allow small businesses the right to advertise however they need to with temporary signs, but only on their own property; 3) allow real estate, new small businesses or any other group to advertise during a grand opening for a period of two weeks (or whatever deemed reasonable); 4) allow strip malls to advertise by percentage. Mr. Cotter ended by stating that he was available for discussion or to be part of a group, but that neither DABA or the Planning Board would allow him to speak.

Being no additional speakers, *Chairman Anderson* declared the public hearing closed.

Zoning Map Amendment #521 - Joy Riddle, applicant: A request to rezone a 0.7-parcel from R-T (Transitional Residential) to R-CR (Residential and Commercial Recreational). The property is located at the end of Water Oaks Drive on the south side of the road in Catawba Springs Township.

John Pagel, Planning Board, asked about the intent of the commercial recreational district. Mr. Hawkins explained that it was like the R-SF district, that it didn't allow mobile homes unless they were already there or you were replacing one, so in one sense it functions just as a residential district, but it does have some commercial uses that are allowed (marinas, restaurants, campgrounds, motels), but only as a conditional use. He stated that there are a number of areas zoned R-CR that are just residential areas, such as Norman Estates, a very upscale subdivision.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #521.

Being no speakers, *Chairman Anderson* declared the public hearing closed.

Zoning Map Amendment #522 - P.J. Jones, applicant: (Parcel ID# 33813) A request to rezone a 11.5-acre parcel from I-L (Light Industrial) to B-G (General Business). The property is located on the west side of Hwy. 16 at Grassy Creek Road in Catawba Springs Township.

Chairman Anderson opened the public hearing on Zoning Map Amendment #522.

Being no speakers, *Chairman Anderson* declared the public hearing closed.

Parallel Conditional Use Rezoning #130 - Donna Harris, applicant: A request to rezone 1.0 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit a hair and tanning salon. The property is located on the east side of Rock Dam Road about 900 feet north of Hwy. 27 in Howards Creek Township.

Chairman Anderson opened the public hearing on Parallel Conditional Use Rezoning #130.

Being no speakers, *Chairman Anderson* declared the public hearing closed.

Conditional Use Permit #270 - Steve Ramsey, applicant: A request for a conditional use permit to place a Class B (doublewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.75-acre site is located on the west side of Old Lincolnton-Crouse Road about 900 feet north of Hwy. 150 in Howards Creek Township.

Chairman Anderson opened the public hearing on Conditional Use Permit #270.

Steve Ramsey stated that he would appreciate it if the Board considered approving his request.

Being no additional speakers, *Chairman Anderson* declared the public hearing closed.

Conditional Use Permit #271 - Cherry Enterprises Inc., applicant: A request for a conditional use permit for a proposed 314-unit housing development with 272 townhouses and 42 duplex units (including 32 existing duplex units) in the R-S (Residential Suburban) district. The 42.2-acre tract is located on the south side of Unity Church Road near Cherry Lane and Normandy Road in Catawba Springs Township.

Chairman Anderson stated that the target market was 55 (years of age). Noting that was not indicated in the covenants, *Chairman Anderson* asked if it would need to be a condition. *Mr. Hawkins* stated that, if approved, it would be approved as a retirement community. *Mr. Hawkins* deferred to the applicant's representatives.

Recil Wright, an engineer with Wright & Associates, stated that the 55 (years of age) would be advertised as a minimum, explaining that it was self-regulating, and not required in the covenants. *Mr. Wright* stated that there is existing water/sewer, but that he planned to provide water/sewer on private property. Referring to the traffic impact analysis, *Mr. Wright* stated that no improvements were necessary on Unity Church Road. He stated that they were proposing a retention pond. *Mr. Wright* stated that they're anticipating a 10-year build-out.

Jay Clapp, a traffic engineer with Ramey Kemp & Associates, presented himself to the Board for any questions they might have regarding the Traffic Analysis.

Chairman Anderson stated that the intersection at Hwy. 16 was a problem, and expressed interest in Mr. Clapp's conclusion. Mr. Clapp stated that road improvements in that area were not something this development should be responsible for, whether or not it was approved since the need for the improvements already existed,. Mr. Clapp encouraged the Board to contact NCDOT to get road improvements in that area prioritized.

George Arena, Planning Board asked about the percentage of trips and when the study was done. Mr. Clapp stated that the trip was done the first week in January 2006. Mr. Arena noted that, due to the holidays, this was not a good time since it would not reflect accurate numbers, and suggested that they do another one during the summer months when traffic was at its peak.

Todd Wulforth stated that there is currently a mobile home park in the area.

Chairman Anderson opened the public hearing for Conditional Use Permit #271.

Michael Schreier stated that he did not have an opportunity to look at the traffic study. Mr. Schreier stated that there were a lot of individual homes, and alluded to a bad curve and the existing traffic problem.

Ronald D. Bridges, stated that he was here to make a plea for a couple who has lived there 25 years. Mr. Bridges stated that, if this development materialized, this couple, both of whom are on oxygen, would have to leave. He suggested that a designated impact fee be used to help relocate these people. Mr. Bridges stated that, as a contractor for 37 years, he knew that the developer spent a large sum of money on blueprints, and that it would cost considerably less to compensate the people who would have to move. He stated that he was not against growth, but that we ought to have sympathy on poor folks.

Reynolds Pomeroy stated that he didn't have much confidence in traffic figures, and that this development would make traffic worse. Mr. Pomeroy stated that there is only one way out on Unity Church Road. He stated that if you added the water park at Beatties Ford, and the number of units proposed in this development, it was absolutely insane, especially without the APFO. Mr. Pomeroy stated that he hoped the Board would reconsider the APFO.

Connie Zmijewski stated that a large development would have a big impact, and that she had issues concerning the water park. Ms. Zmijewski stated that she was confused because the Board started tonight's meeting looking at a 2-acre minimum, and now they were considering approving this development built on less than that minimum. She asked the Board what direction they were taking, and ended by stating that, from a citizen's standpoint, it became very amusing.

Jim Klein questioned the value, and stated that the look is the same. Mr. Klein stated that it was not his problem, and that this particular intersection was ugly. He stated that a certain age group was being marketed, and suggested that the Board stipulate that the

units be owner occupied. Mr. Klein stated that the development was not conducive to walking or riding, and that it was too dense.

Russell Sutton stated that he and his wife had lived in Vames Village for 6 years, along with her disabled parents, and that they were between a rock and a hard place. Mr. Sutton stated that, in Lincoln County, it is very hard to put a mobile home anywhere, and asked if they would be compensated if they had to relocate. He asked the Board to keep in mind the retired people, and the disabled people.

Danny Miller stated that he had lived there 5 years. Mr. Miller stated that getting out of his driveway took up to 5 minutes, and that the traffic survey was ridiculous. He stated that they should come in the summer when there's more traffic and boats. Mr. Miller stated that growth is endless, and that 300 units in one area was unforgiveable. He stated that people being dislodged is a travesty.

Joseph Redmond stated that there were compelling arguments, and referred to the Board going from considering a 2-acre minimum to this. Mr. Redmond stated that all residents in the surrounding area have only one way out, Unity Church Road. He stated that they were within the 10-mile zone of Duke Power, and that the County could be in violation in regards to emergency evacuation. Mr. Redmond referred to traffic, drugs and overpopulated schools as some of the problems. He asked that the Board have the developer come back with a better plan.

Frank Gulledge stated that he hated to see anyone lose their home. Mr. Gulledge commented on the increase in population, when earlier, the Board was considering a 2-acre minimum lot. He stated that no one had mentioned water runoff, but that this was a problem as well. Mr. Gulledge stated that when it rains heavily, it runs straight into the lake.

Being no additional speakers, *Chairman Anderson* closed the public hearing.

Other Business: There was no other business.

Adjourn: UPON MOTION by *Commissioner Patton*, the Board voted unanimously to adjourn.

Delores Alfaro, Assistant Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners